

**EXHIBIT A**

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**From:** Shapiro, Jonathan [mailto:[Jonathan.Shapiro@wilmerhale.com](mailto:Jonathan.Shapiro@wilmerhale.com)]  
**Sent:** Thursday, November 03, 2005 10:58 AM  
**To:** Stephen Hubbard  
**Cc:** Shapiro, Jonathan; Hess, Gretchen  
**Subject:** RE: allmerica

Steve,

I gather you made your flight home! I am running out to a meeting; will be back by 3 and will call then, or before then. Please have dates next week for Mr. Speakman to come back and finish up his deposition, although given the document problems I am not sure I am willing to invest that time until those holes are filled.

Thanks, Jonathan

-----Original Message-----

**From:** Stephen Hubbard [mailto:[SLHubbard@hblawfirm.com](mailto:SLHubbard@hblawfirm.com)]  
**Sent:** Thursday, November 03, 2005 11:52 AM  
**To:** Shapiro, Jonathan  
**Subject:** allmerica

Please call me concerning the Speakman deposition, Robare deposition and my open request to you for the exhibits and attachments to the Goldman Sachs agreement

Stephen L. Hubbard  
HUBBARD & BIEDERMAN, LLP  
1717 Main Street, Suite 4700  
Dallas, Texas 75201  
(214) 857-6000  
(214) 857-6001 fax

**EXHIBIT B**

## Robert Biederman

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**From:** Robert Biederman  
**Sent:** Tuesday, November 01, 2005 4:47 PM  
**To:** 'Budzinski, Brett'  
**Cc:** 'Shapiro, Jonathan'; 'Levin, Eric'; Stephen Hubbard; Daphne Ostrander  
**Subject:** RE: Speakman v. Allmerica

Brett:

The scheduling of the time for depositions should be done in a manner to reasonably accommodate the parties' needs. You requested that Mark Robare's deposition begin at 9:30 a.m. to coincide with Rick Levin's travel schedule. Tomorrow, Steve Hubbard and Don Speakman have planes to catch that night. Accordingly, we requested that the deposition begin at 10:30. If you expect us to accommodate your travel needs, then we expect the same courtesy.

Rob

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**From:** Budzinski, Brett [mailto:[Brett.Budzinski@wilmerhale.com](mailto:Brett.Budzinski@wilmerhale.com)]  
**Sent:** Tuesday, November 01, 2005 3:25 PM  
**To:** Robert Biederman  
**Cc:** Stephen Hubbard; Daphne Ostrander  
**Subject:** RE: Speakman v. Allmerica

Rob:

Jonathan can start tomorrow's deposition of Mr. Speakman at 11:30 a.m., but cannot start any earlier than that.

Accordingly, we will begin the deposition at 11:30 a.m.

-- Brett  
-----Original Message-----

**From:** Robert Biederman [mailto:[RWBiederman@hblawfirm.com](mailto:RWBiederman@hblawfirm.com)]  
**Sent:** Monday, October 31, 2005 3:08 PM  
**To:** Budzinski, Brett  
**Cc:** Stephen Hubbard; Daphne Ostrander  
**Subject:** Speakman v. Allmerica

Brett:

On October 10, we sent a letter confirming the dates, times and location of the depositions for, among others, Don Speakman and Mark Robare. As to Mr. Robare, the letter indicated the deposition would begin on November 4 at 10:00 a.m. in our office. As to Don Speakman, it indicated it would begin on November 2 at 12:00 p.m. in your office. As to Mr. Speakman's deposition, we would like to begin at around 10:30 a.m. Please confirm these dates, times, and locations of the depositions.

Thanks,  
Rob

Robert W. Biederman  
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1717 Main Street, Suite 4700  
Dallas, Texas 75201  
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**EXHIBIT C**

## Stephen Hubbard

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**From:** Shapiro, Jonathan [Jonathan.Shapiro@wilmerhale.com]  
**Sent:** Saturday, November 05, 2005 7:21 PM  
**To:** Stephen Hubbard  
**Cc:** Shapiro, Jonathan; Hess, Gretchen  
**Subject:** RE: allmerica Speakman

Steve,

I am responding to letter you sent after 5 yesterday and the follow-on email (below).

I have no interest in deposing Mr. Speakman by telephone. I just do not think that would be effective, even if more convenient. Monday wouldn't work anyway, and I have a First Circuit argument on Wednesday. I do not consider Thursday (10th) or Friday (11th) to be legitimate offers because, even if Mr. Speakman were willing to testify live, our Opposition is due on the 11th. So I view those dates as just more of scheduling nonsense that doesn't seem calculated to achieve anything other than make things difficult for the other side. I cannot stop you from trying to litigate cases by imposing prejudice, but I will not agree to it either.

I also think it is (typically) unreasonable (bordering on the coercive) for you to refuse a short extension of the deadline for us to oppose the class certification motion so we can finish Mr. Speakman's deposition, under circumstances where (i) you asked that the deposition be cut short; (ii) you instructed your client not to answer questions; and (iii) you asked me to continue the deposition to another date so another of Mr. Speakman's lawyers could participate. We will file a motion seeking that relief, which probably will make at least one of us look foolish.

The statement that you have repeatedly asked to start earlier is not true - your own letter (on 10/10) confirmed the noon time. I also wish you would stop writing letters accusing everyone who works in my office of mistreating you -- we received Rob's email asking for an earlier start time on Monday (when I was out of town) and responded on Tuesday that we would start 30 minutes earlier. That you decided to show up in our lobby at 10:30 a.m. on Wednesday doesn't change matters, so I'm not sure why that is in your letter.

I think it was not close to proper for Mr. Speakman to have refused to testify in response to those NASD questions, and I think you were out of bounds as well; I'll let the transcript speak for itself on those points. As I told you on the phone, if your client feels more comfortable with another lawyer on that topic, I am fine finishing up at a time when that other lawyer can come to Boston, but I am not agreeing to accommodate your client's sensitivity to the detriment of mine.

The document issue is huge, and plainly is not going to be resolved easily. So, yes, we must discuss, as we need to sort through the document preservation problem and then move on to the production problems. We can talk about your complaints as well. I also will deal with the Goldman Sachs issues -- you have never explained that the sale of one of three entity defendants (stock deal) is a class certification issue, so we will deal with that one next week as well.

Thanks, Jonathan

-----Original Message-----

**From:** Stephen Hubbard [mailto:SLHubbard@hblawfirm.com]  
**Sent:** Friday, November 04, 2005 6:41 PM  
**To:** Shapiro, Jonathan  
**Cc:** Robert Biederman; Robinson, Andrea  
**Subject:** RE: allmerica

I faxed a response to your letter earlier today, please let me know immediately if you want to proceed at noon Monday as we are still trying to keep that time blocked, Steve